

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
TIMBERLY E. HUGHES,
Defendant.

Case No. 18-cv-05931-JCS

**ORDER DENYING MOTION FOR
ORDER TO SHOW CAUSE**

Re: Dkt. No. 51

On May 7, 2020, Plaintiff the United States of America (“United States”) filed a Motion for Order to Show Cause as to why default judgment should not be entered against Defendant Timberly E. Hughes (“Defendant”), proceeding pro se. Dkt. No. 51. The Court finds this motion suitable for resolution without oral argument. Having considered the papers filed in support of the motion, the Court hereby **DENIES** this Motion for Order to Show Cause.

On March 31, 2020, the Court granted Defendant’s Request for Leave to Answer Out of Time, Dkt. No. 34, which the Court construed as a Motion to Set Aside Entry of Default under Rule 55(c). Dkt. No. 48 at 5, 16. The Court ordered Defendant to “respond to the United States’ complaint by filing a formal answer under Rule 8 or a motion under Rule 12 of the Federal Rules of Civil Procedures no later than Friday, May 1, 2020.” Id. at 16. Defendant did not file an answer or a Rule 12 Motion by the Court’s May 1, 2020 deadline.

The Court interprets Defendant’s Motion to Set Aside Entry of Default/ Request for Leave to Answer Out of Time as intending that the proposed answer located on pages 3-7 of Dkt. No. 34 be filed as Defendant’s formal answer. However, if the Court is incorrect, and Defendant desires to file a pleading motion under Rule 12 of the Federal Rules of Civil Procedures, she may do so on or before May 15, 2020.

If Defendant does not file a pleading motion by that date, the proposed answer located on

pages 3-7 of Dkt. No. 34 will be deemed filed.

IT IS SO ORDERED.

Dated: May 8, 2020



JOSEPH C. SPERO
United States Magistrate Judge

United States District Court
Northern District of California